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Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Note verbale dated 29 September 2005 from the Permanent Mission of Sierra Leone to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Sierra Leone to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities, and has the honour to submit herewith the report of the Republic of Sierra Leone on the implementation of resolution 1455 (2003), pursuant to its paragraphs 6 and 12 (see annex).

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Annex to the note verbale dated 29 September 2005 from the Permanent Mission of Sierra Leone to the United Nations addressed to the Chairman of the Committee

Report of the Republic of Sierra Leone pursuant to paragraphs 6 and 12 of Security Council resolution 1455 (2003) concerning Al-Qaida and the Taliban

I. Introduction

Sierra Leone's commitment to assist the "1267 Committee" in discharging its mandate was first registered in its report to the Committee three years ago pursuant to paragraph 6 of resolution 1390 (2002). In submitting the present 1455 report Sierra Leone takes this opportunity to reaffirm that commitment.

1. *Please provide a description of activities, if any, by Osama bin Laden, Al Qaida, the Taliban and their associates in your country and the region, as well as likely trends.*

No member or suspected member of the Al Qaida and Taliban organizations operating individually or in a cell has been detected in the territory of Sierra Leone. So far, the organizations and those associated with them pose no threat to the country.

II. Consolidated list

2. *How has the 1267 Committee's List been incorporated within your legal system and your administrative structure, including financial supervision, police, immigration control, customs and consular authorities?*

In respect of all sanctions imposed by the Security Council including those pertaining to resolution 1455, the Government of Sierra Leone has consistently, as a first step, taken administrative measures to comply with the relevant measures imposed by the Council. It instructs all State security and protection institutions such as the police, immigration and customs authorities to be vigilant in tracking down individuals or entities to which Security Council travel restrictions apply.

Last June, in its effort to facilitate the work of the Monitoring Team, the Government of Sierra Leone completed its investigation and responded to a request for information concerning an entity named in the Consolidated List that reportedly had links with Sierra Leone.

3. *Have you encountered any problems with implementation with regard to the names and identifying information as currently included in the List?*

No major problem with implementation has been encountered. However, it was apparent that there were gaps in the identifying information about an "entity" on the List that reportedly had links with Sierra Leone.

4. *Have your authorities identified inside your territory any designated individuals or entities? If so, please outline the actions that have been taken.*

None of the individuals or entities on the List has so far been identified in the territory of Sierra Leone.

5. *Please submit to the Committee, to the extent possible, the names of individuals or entities associated with Usama Bin Laden or members of the Taliban or Al-Qaida that have not been included in the List, unless to do so would compromise investigation or enforcement actions.*

Sierra Leone has no names to submit.

6. *Have any listed individuals or entities brought a lawsuit or engaged in legal proceedings against your authorities for inclusion in the List? Please specify and elaborate, as appropriate.*

No individual or entity on the List has brought legal action against Sierra Leonean authorities.

7. *Have you identified any of the listed individuals as nationals or residents of your country? Do your authorites have any relevant information about them not already included in the List? If so, please provide this information to the Committee as well as similar information on listed entities, as available.*

No one listed has been identified as a national or resident of Sierra Leone, and no information is available on persons, entities or organizations to be added to the List.

8. *According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting Al-Qaida members in carrying out activities inside your country, and to prevent individuals from participating in Al-Qaida training camps established in your territory or in another country.*

So far, the Criminal Procedures Act (1965) would be applicable to such activities within the territory of Sierra Leone.

III. Financial and economic assets freeze

9. *Describe the domestic legal basis to implement the asset freeze required by the resolution, and any impediments under your domestic law in this context and steps taken to address them.*

The domestic legal basis for freezing the assets of suspected or convicted money launderers is contained in Section 21 of the Anti-Money Laundering Act, 2005. Specifically, subsection (1) states:

> **"A competent authority, upon application to a court and satisfying the court that the Attorney-General has charged or is about to charge a person with money laundering, may apply for an order freezing the property of, or in the possession of, or under the control of that person, wherever it may be."**

Section 21 of the Act provides details of directives that may be given by the court in making a freezing of assets order.

10. *Please describe any structures or mechanisms in place within your Government to identify and investigate Usama bin Laden, Al-Qaida or Taliban-related financial networks, or those who provide support to them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.*

The Anti-Money Laundering Act (2005) provides the necessary mechanism for addressing this matter.

11. *Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of, Usama bin Laden or members of Al-Qaida or the Taliban, or associated entities or individuals. Please describe any "due diligence" or "know your customer" requirements. Please indicate how these requirements are enforced, including the names and activities of agencies responsible for oversight.*

Section 14 of the Anti-Money-Laundering Act (2005) sets out the duties of banks and other financial institutions in the prevention and control of money laundering activities. Specifically under Section 14 (b) of the Act, financial institutions are required to:

> **"Report to the Authority any business transaction where the identity of the persons involved, the transaction or any other circumstances concerning that business transaction gives any officer or employee of the financial institution reasonable grounds to believe that the transaction involves the proceeds of crime."**

Prior to the enactment of the Anti-Money Laundering Act (2005), the Bank of Sierra Leone had issued directives to all financial institutions on their obligation to prevent and curb money-laundering activities within the financial system. The directives required *inter alia* that financial institutions:

(a) Strictly apply the standard principle of Customer Due Diligence (CDD) or ("know-your-customer") as a fundamental principle of all anti-money laundering controls. This entails customer identification and extends to a full understanding of the nature of the business that underlies a relationship. Besides, CDD is an on-going process and does not end when account-opening procedures are completed.

(b) Refrain from keeping anonymous accounts or accounts in obviously fictitious names.

(c) When necessary, verify the legal existence or structure of a customer.

(d) In the case of corporate customers, verify the directors, accounts signatures and nature of the business.

(e) Take reasonable measures to obtain information about the true identity of the persons on whose behalf an account is opened or a transaction is conducted if there are any doubts as to whether or not these clients or customers are acting on their own behalf.

Section 4 of the Anti-Money Laundering Act (2005) contains similar directives. The authorities responsible for enforcing the requirements of the Act are: The Governor of the Bank of Sierra Leone, the Director-General of the Central Intelligence and Security Unit, and the Attorney-General and Minister of Justice. These oversight mechanisms regulate, investigate and compile statistics and records on money-laundering. Detailed functions of these authorities are set out in sections 13, 15 and 16 of the Anti-Money Laundering Act (2005).

12. *Resolution 1455 (2003) calls on Member States to provide "a comprehensive summary of frozen assets of listed individuals and entities." Please provide a list of the assets that have been frozen pursuant to this resolution. This list should also include assets frozen pursuant to resolution 1267 (1999), 1333 (2001) and 1390 (2002)...*

The provisions of the Anti-Money Laundering Act (2005) pertaining to the freezing of assets are yet to be invoked.

13. *Please indicate whether you have released pursuant to resolution 1452 (2002) any funds, financial assets or economic assets that had previously been frozen as being related to Usama bin Laden or members of the Al-Qaida or the Taliban or associated individuals or entities. If so, please provide reasons, amounts unfrozen or released and dates.*

No such funds, financial assets or economic assets have been frozen or unfrozen.

14. *Please indicate the domestic legal basis, including a brief description of laws, regulations and/or procedures in place in your country to control the movement of such funds or assets to designated individuals and entities.*

Presently, there are no laws to control the movement of funds or assets to designated listed individuals or entities or for their benefit. In its quest to control the movement of proceeds of crime, the Anti-Money Laundering Act (2005) prescribes aggregate values of business transactions per customer per day and imposes a limit on money transfers. Section 3 of the Act prohibits the use of cash or bearer securities for payments in excess of twenty-five million leones per day per customer. It also prohibits the movement of monies exceeding ten thousand United States dollars except by or through a financial institution. The latter provision facilitates the tracking or tracing of proceeds of crime.

IV. Travel ban

15. *Please provide an outline of the legislative and/or administrative measures, if any, taken to implement the travel ban.*

No legislative measure has been taken to implement the travel ban. However, in addition to apprising security, police and immigration authorities with the provisions and details of the travel ban, the Immigration Department compiles a 'stop list' with details collected from relevant sources including the United States Embassy in Freetown. The List is sent to all points of entry. Immigration officers check the names of all persons entering the country against the List.

16. *Have you included the names of the listed individuals in your national "stop list" or border checkpoint list? Please outline steps taken and problems encountered.*

Yes, at the Lungi International Airport and other border crossing points.

17. *How often do you transmit the updated List to your border control authorities? Do you posses the capability of searching List data using electronic means at all your entry points?*

This is done on a regular basis. However, Sierra Leone does not possess the capability of searching the List data electronically at all entry points.

18. *Have you stopped any of the listed individuals at any of your border points or while transiting your territory? If so, please provide additional information, as appropriate.*

No.

19. *Please provide an outline of the measures, if any, taken to incorporate the List in the reference database of your Consular offices. Have your visa-issuing authorities identified any visa applicant whose name appears on the List?*

Consular offices regularly refer to the List in connection with visa applications. No visa applicant whose name appears on the List has so far been identified.

V. Arms embargo

20. *What measures, if any, do you have in place to prevent the acquisition of conventional arms and weapons of mass destruction (WMDs) by Usama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them? What kind of export control do you have in place to prevent the above targets from obtaining the items and technology necessary for weapons development and production?*

Sierra Leone does not manufacture or export conventional arms and their ammunition or weapons of mass destruction, nor does it have any arrangement for use of its territory for the transit or transfer of such weapons. It strictly complies with all United Nations arms embargo regimes and a regional moratorium on arms manufacture and transfers.

21. *What measures, if any, have you adopted to criminalize the violation of the arms embargo directed at Usama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them?*

No legislative measure has been instituted to criminalize the arms embargo against these individuals, groups and entities associated with them.

VI. Assistance and conclusion

While Sierra Leone is obligated and willing to cooperate with all States in the implementation of the measures contained in the resolutions concerning Al-Qaida and the Taliban and associated individuals and entities, its capacity to do so more effectively is limited. For instance, as indicated above it has no electronic data bank to cross check names on the List at all entry points. The areas of required assistance are contained in its 1373 report relating to counter-terrorism.